

STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

OCT 21 2011

DALE K. THOMPSON, CIRCUIT CLERK
BY apulla D.C.

MISSISSIPPI TRANSPORTATION COMMISSION

V.

CIVIL ACTION NO. CO2011

RUSSELL KYLE, MERCHANTS & FARMERS BANK,
L. SCOTT PICKLE, TRUSTEE, DOYLE RICKY PICKENS,
MARY R. PICKENS, FIRST TENNESSEE BANK, NATIONAL
ASSOCIATION, THOMAS F. BAKER, IV, TRUSTEE and
JOEY TREADWAY, DESOTO COUNTY TAX COLLECTOR

DEFENDANTS



AGREED JUDGMENT AND ORDER OF DISBURSEMENT

In the cause, Plaintiff, MISSISSIPPI TRANSPORTATION COMMISSION, brought an action to condemn property as described in the Complaint filed herein and described in Exhibit "A" attached hereto and incorporated herein, and the landowner Defendants, Doyle Ricky Pickens, Mary R. Pickens and First Tennessee Bank, N.A., were duly served with process of this Court. And, the Court having found that the parties have reached an Agreement, does find and adjudicate as follows:

1. This Court has jurisdiction of the parties and subject matter herein.
2. The Court being advised by counsel for the Plaintiff and the Defendants, Doyle Ricky Pickens, Mary R. Pickens and First Tennessee Bank, N.A., that the fair market value representing just compensation due the Defendants for the condemnation of the lands described in Exhibit "A" is ~~Four~~ ^{Six} Hundred Dollars (\$~~400.00~~ ^{600.00}), and that said amount represents a full and complete settlement of all issues before the Court. Further, the parties hereto, have specifically waived the impaneling of a jury, and Defendants acknowledge to the Court that the amount of ~~Four~~ ^{Six} Hundred Dollars (\$~~400.00~~ ^{600.00}) constitutes full and just compensation due the Defendants for the land and any and all

FILED 21st DAY OF Oct 20 11
DALE K. THOMPSON, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK _____ PAGE _____

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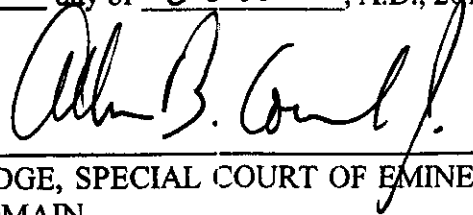
damages or other rights pertaining to said land, and is in full and complete settlement of all issues resulting from the condemnation described in the Complaint filed herein. The remaining property of the Defendants will be addressed separately in a deed.

3. That First Tennessee Bank, N.A., has a security interest in said land.

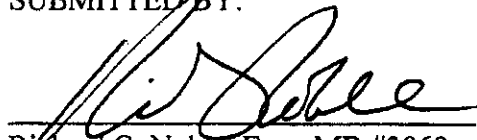
IT IS, THEREFORE, ORDERED AND ADJUDGED that this Agreed Judgment shall be entered in the cause; that the impaneling of a jury is waived by all parties; that the MISSISSIPPI TRANSPORTATION COMMISSION is hereby awarded title and possession of the lands described in Exhibit "A" attached hereto upon the payment of ~~Four~~ ^{Six} Hundred Dollars (~~\$400.00~~ ^{\$600.00}), to Defendants, Doyle Ricky Pickens, Mary R. Pickens and First Tennessee Bank, N.A.; and the parties shall be bound by this Agreed Judgment the same as if there had been a jury trial and a decision rendered accordingly; that this Agreed Judgment shall be duly recorded in the Land Deed Records of Washington County, Mississippi, confirming title to said lands to the MISSISSIPPI TRANSPORTATION COMMISSION; and that all costs of court are assessed to Plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff, MISSISSIPPI TRANSPORTATION COMMISSION, shall deposit into the registry of the ~~Court~~ ^{CLERK} the sum of \$400.00; and the Court Clerk is hereby ordered to disburse the sum of ~~\$400.00~~ ^{\$600.00} to Doyle Ricky Pickens, Mary R. Pickens and First Tennessee Bank, N.A., jointly, without further Order of this Court.

SO ORDERED AND ADJUDGED, this the 21st day of October, A.D., 2011.


JUDGE, SPECIAL COURT OF EMINENT
DOMAIN

SUBMITTED BY:



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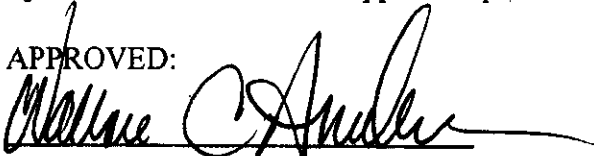
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Special Counsel for Mississippi Transportation Commission

APPROVED:



Wallace C. Anderson, Esq.

Attorneys for Defendants Pickens

070-1-00-W; 070-1-00-T; 070-0-00-Q; 070-0-01-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2712 C1)

RUSSELL KYLE, ET AL

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: NE 1/4 of the NE 1/4 of Section 32, T-2-S, R-6-W, Desoto County, Mississippi.
(Part of Lot 2 of Pickens Place Subdivision)

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way as defined by said project.

PARCEL 1
RIGHT OF WAY

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence run thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County and being the **Point of Beginning** of the herein described parcel;

- From said **Point of Beginning** continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property;
- thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road;
- thence run along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment) along a non-tangential curve to the left a distance of 105.83 feet, having a radius of 2784.79 feet, and a chord bearing North 00 degrees 20 minutes 47 seconds East for 105.83 feet, also having a delta angle of 2 degrees 10 minutes 39 seconds, to a 3/4 inch rebar found 80 feet left of the Ross Road centerline station 35+98.78;
- thence run North 00 degrees 44 minutes 32 seconds West a distance of 1.40 feet to a 1/2 inch rebar set on the north line of the Defendant's property;

- thence run along the north line of Defendant's property South 89 degrees 52 minutes 47 seconds East a distance of 41.09 feet to the **Point of Beginning**, containing 3935 square feet (0.09 acres), more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

And an easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement is hereby designated as PARCEL 2.

PARCEL 2 **TEMPORARY EASEMENT**

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County; thence continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property; thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road and the **Point of Beginning** of the herein described easement;

- From the **Point of Beginning** run thence along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment), along a non-tangential curve to the left a distance of 34.11 feet, having a radius of 2784.79 feet, and a chord bearing North 01 degrees 05 minutes 03 seconds East for 34.11 feet, also having a delta angle of 2 degrees 03 minutes 27 seconds, to a 1/2 inch rebar set 80 feet left of the Ross Road realignment centerline station 35+25;
- thence run North 89 degrees 16 minutes 00 seconds West a distance of 45.00 feet to a 1/2 inch rebar set 125 feet left of the centerline of the Ross Road realignment at station 35+25;
- Thence run South 01 degree 29 minutes 00 seconds West a distance of 64.00 feet to a 1/2 inch rebar set on the Defendant's south property line;
- Thence run along the south line of Defendant's property North 57 degrees 30 minutes 23 seconds East a distance of 54.55 feet to the **Point of Beginning**, containing 2216 square feet, more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.